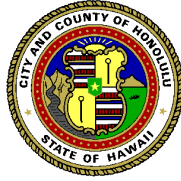


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GUIDANCE BULLETIN

Emergency Order No. 2020-25 | Second Stay at Home / Work from Home Order

This interpretive guidance concerning Mayor Kirk Caldwell's Emergency Order No. 2020-25 (as supplemented and/or extended) ("**Order**") will be periodically updated.

Updates as of August 28, 2020

Interpretation in general

The overarching intent of the Order is to reduce circulation of individuals and contact between individuals from different households/living units within the City and County of Honolulu ("**City**") for the duration of the Order, to significantly reduce the spread of COVID-19. The Order should be interpreted consistent with this intent.

Essential Businesses – the “essential” offerings must be the primary business

With regards to the Essential Businesses exception to the Order, such exception only applies to the extent the business at issue is primarily engaged in sales or services considered “essential” under the Order. For example, a clothing store that incidentally sells some snacks near its check-out counter is primarily engaged in the retail sale of clothing (non-essential), and therefore does not qualify as an Essential Business (selling food) under section II.F.2 of the Order. Similarly, a nail salon does not qualify as an Essential Business (selling “household consumer products”) under section II.F.2, or a Healthcare Operation (healthcare supplier) under section II.F.1, by incidentally selling hand sanitizer.

Educational institutions

Section II.F.11 of the Order sets forth the extent that educational institutions within the City are considered “essential” under the Order. For the period of the Order, private educational institutions must (1) comply with Social Distancing Requirements to the extent applicable and reasonably possible; (2) must comply with the face covering requirements of Order 5; and (3) implement distance learning to the greatest extent possible. In-person instruction is permitted at private educational facilities only in circumstances in which the instruction cannot feasibly be conducted remotely. Instructors and staff of private educational facilities are permitted to utilize their facilities to carry out the instruction or perform critical research, and students may attend those facilities for any in-person instruction that cannot feasibly be conducted remotely.

Educational institutions within the University of Hawaii System or the State Department of Education may operate as determined by those institutions and the State.

Short-term rentals

Short-term rentals (lodgings that provide guest accommodations for less than 30 days, other than hotels and motels), are not Essential Businesses or otherwise allowed to operate for purposes of the Order. As such, short-term rentals may not operate during the term of the Order, and they are not legally recognized places for visitors to lodge or self-quarantine. For purposes of the Order, “hotel” and “motel” are each defined as a building or group of buildings containing lodging and/or dwelling units offering transient accommodations, and a lobby, clerk's desk or counter with 24 hour clerk service, and facilities for registration and keeping of records relating to the hotel or motel guests.

Auto detailers, car washes, etc.

Auto detailers, car washes, and similar businesses are not Essential Businesses for purposes of the Order.

Music schools/private lessons

Music schools, private music lesson providers, and similar businesses are not Essential Businesses for purposes of the Order. Such music schools and private music lesson providers may operate on a purely remote basis in which both instructors and students remain in their respective residences.

Retail fabric stores and stores selling face coverings

Pursuant to § II.F.27. of the Order, a business that is primarily engaged in selling fabric and related supplies, with a facility within the City and County of Honolulu, may continue to operate during the remainder of the Order, under the conditions and limitations specified in that section. However, retail stores that sell items such as scarves, ski masks, bandanas, etc. are not “Essential Businesses” under the Order.

Professional services

The provision of professional services, such as legal or accounting services, insurance services, and real estate services (including appraisals and title services) are generally exempted as Essential Businesses under the Order, only when “necessary to assist in compliance with legally mandated activities.” Accordingly, to provide any professional service that would otherwise violate the Order (e.g., violate Order 1 to generally remain in one’s place of residence), the activity must be “legally mandated” or the specific business/operation must be listed in Exhibit A of the Order (listing Designated Businesses and Operations). An activity is “legally mandated” for purposes of the Order when it is required by law and cannot reasonably be accomplished remotely or postponed by agreement of the parties involved.